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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,817	04/16/2004	Robert W. Roldan	2003P14527US	8690

7590 10/18/2005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

SHECHTMAN, SEAN P

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,817	ROLDAN, ROBERT W.	
	Examiner	Art Unit	
	Sean P. Shechtman	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 1-31 are presented for examination. Claims 30 and 31 have been amended.

Drawings

2. Objections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 112

3. Rejections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, 10-14, 17, 20, 27, 30, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,963,920 to Rose.

Referring to claims 1, 11, 17, 20, Rose teaches a system and method for automated replenishment notification for manufacturing pieces (whole document), the system and method comprising:

a plurality of gravity feed racks with manufacturing pieces positioned thereon (See cover figure);

(b) sensors adjacent to the gravity feed racks, the sensors positioned to sense a presence of manufacturing pieces on the gravity feed racks (Abstract; cover figure; Col. 4, lines 8-24; element 38); and

(c) a first processor connected with the sensors (Col. 5, lines 21-30), the first processor operable to automatically generate and send an electronic order to a supplier of manufacturing

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pieces in response to a signal from the sensors indicating a lack of the manufacturing piece and operable to communicate the order to a second processor (Col. 5, lines 30-64);

wherein there are plural racks (cover figure); and a computer generates orders, independently, for respective types of items on different racks when the racks that have said components need to be replenished (Col. 3, lines 51 – Col. 4, line 8).

Referring to claim 2, Rose teaches the method of claim 1, comprising positioning a plurality of containers each having a plurality of manufacturing pieces and wherein (b) comprises sensing removal of a container (Col. 3, lines 62-63).

Referring to claim 3, Rose teaches the method of Claim 1 wherein (b) comprises sensing when a position along the gravity feed rack is free of manufacturing pieces (Col. 4, lines 8-57).

Referring to claims 4, 14, Rose teaches the method of Claim 1 wherein (b) comprises sensing with a spring activated mechanical switch (element 38; Col. 4, lines 8-24).

Referring to claim 10, Rose teaches the method of Claim 1 wherein (a) comprises positioning a plurality of the manufacturing pieces to sequentially feed to a lower position on the gravity feed rack and wherein (b) comprises sensing at a position higher than the lower position on the gravity feed rack (Col. 4, lines 8 – Col. 5, line 20).

Referring to claim 12, Rose teaches the gravity feed rack comprises a plurality of rollers, the sensor positioned between two to of the plurality of rollers (element 38; See cover figure, rollers are elements 32).

Referring to claims 13, Rose teaches a system of Claim 11, wherein the sensor is positioned to sense at a location along the gravity feed rack such that the lack of the

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manufacturing piece is sensed while another manufacturing piece is present below the location (See the cover figure; Col. 4, lines 26-57).

Referring to claim 27, Rose teaches (b) and (c) are tracked (Col. 6, lines 33-42).

Referring to claim 30, Rose teaches setting a priority level for the electronic notification based in part on said time period (Col. 6, lines 14 -21).

Referring to claim 31, Rose teaches the system is a demand pull system (Col. 6, line 61 – Col. 7, line 12).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 5, 15, 18, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose as applied to claims 1-4, 10-14, 17, 20, 27, 30, 31 above, and further in view of U.S. Pat. No. 6,341,271 to Salvo (supplied by applicant).

Referring to claims 5, 15, 18, 29, Rose teaches all the limitations disclosed above, and Rose teaches transmitting to order to a supplier via a modem (Col. 5, lines 38-49), however, Rose fails to teach wirelessly sending first and second e-mails, respectively, to first and second suppliers, respectively, the first supplier different than the second supplier, (d) and (e) performed without user activation of the sending.

However, referring to claims 5, 15, 18, 29, Salvo teaches analogous art, wherein order are placed automatically for suppliers by wirelessly sending e-mails, respectively, to suppliers, respectively, the suppliers being different, (d) and (e) performed without user activation of the sending (Abstract, lines 10-12; Col. 15, lines 23-25; Col. 16, lines 1-4; Col. 5, lines 11-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings Rose with the teachings of Salvo. One of ordinary skill in the art would have been motivated to combine these references because Salvo teaches a network based inventory management and vendor-managed inventory system and method wherein information concerning inventory amounts and inventory ordering are provided to a manufacturing site and an inventory vendor, thereby permitting monitoring and determining, in real-time, of the inventory status of receptacles, along with automatic ordering of inventory to replenish the receptacles at a low price and purchasing of the inventory at a lowest price (Col. 3, lines 42-62; Col. 2, lines 57-61). Salvo provides numerous advantages of the system, such as, historical analysis of inventory use, evaluation of inventory use, automation and suggestions for a vendor's manufacturing schedule, prediction of future inventory usage, lot identification, forecasting based on trends and economic indicators, automatic notification of inventory occurrences that require attention, and automatic inventory ordering (Col. 3, lines 42-62).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose as applied to claims 1-4, 10-14, 17, 20, 27, 30, 31 above, and further in view of U.S. Pat. No. 5,193,065 to Guerindon.

Referring to claim 6, Rose teaches automatically sending an order for more manufacturing pieces (Abstract).

Referring to claim 6, Rose teaches all the limitations set forth above, however, Rose fails to teach sending a copy of the order to *at least one of*: a purchaser, a manufacturing supervisor and a warehouse person.

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However, referring to claim 6, Guerindon teaches analogous art comprising: automatically sending an order for more manufacturing pieces; further comprising: (d) sending a copy of the order to *at least one of*: a purchaser, a manufacturing supervisor and a warehouse person (Col. 5, lines 9-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Rose with the teachings of Guerindon. One of ordinary skill in the art would have been motivated to combine these references because Guerindon teaches material replenishment methods that are determined by the type classification of the material and the material usage (Col. 5, lines 43-46), wherein the method can adapt quickly in response to changes in the manufacturing environment, thus insuring that material is delivered to the point of use in a JIT manner, resulting in a low material inventory (Col. 11, lines 34-38).

7. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose in view of U.S. Pat. No. 6,813,540 to Scotti. Claims 5-9, 15, 16, 18, 19, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose as applied to claims 1-4, 10-14, 17, 20, 27, 30, 31 above, and further in view of U.S. Pat. No. 6,813,540 to Scotti.

Referring to claims 21 and 25, Rose teaches a system and method for automated replenishment notification for manufacturing pieces, the system and method comprising:

a plurality of gravity feed racks with manufacturing pieces positioned thereon (See cover figure);

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(b) sensors adjacent to the gravity feed racks, the sensors positioned to sense a presence of manufacturing pieces on the gravity feed racks (Abstract; cover figure; Col. 4, lines 8-24; element 38); and

(c) a first processor connected with the sensors (Col. 5, lines 21-30), the first processor operable to automatically generate and send an electronic order to a supplier of manufacturing pieces in response to a signal from the sensors indicating a lack of the manufacturing piece and operable to communicate the order to a second processor (Col. 5, lines 30-64);

wherein there are plural racks (cover figure); and a computer generates orders, independently, for respective types of items on different racks when the racks that have said components need to be replenished (Col. 3, lines 51 – Col. 4, line 8).

Referring to claims 7, 9, 16, 19, 21, 25, 28, Rose teaches all the limitations set forth above, however, Rose fails to teach the processor is operable to sense a lack of replacement of the manufacturing piece after a time period in response to the sensor and operable to generate a reminder notification in response to the lack of replacement.

Referring to claims 5, 6, 8, 15, 18, 22-24, Rose teaches all the limitations set forth above, however, Rose fails to teach the replenishment notification via email, sending a copy of an order to at least one of a purchaser, a manufacturing supervisor, and a warehouse person.

However, referring to claims 7, 9, 16, 19, 21, 25, 28, Scotti teaches analogous art, wherein a computer communicates replenishment notification to another processor (Col. 8, lines 17-34), and the computer is operable to sense a lack of replacement of the manufacturing piece

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after a time period in response to the sensor and operable to generate a reminder notification in response to the lack of replacement (Col. 7, lines 29-64).

Referring to claims 5, 6, 8, 15, 18, 22-24, Scotti teaches the replenishment notification via email, sending a copy of an order to at least one of a purchaser, a manufacturing supervisor, and a warehouse person (Col. 6, lines 1-17; Col. 7, lines 52-55; Col. 8, lines 17-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Rose with the teachings of Scotti. One of ordinary skill in the art would have been motivated to combine these references because Scotti teaches a system and method that provides for managing material into an assembly area based on actual demand of the material, such that as the need for specific parts or materials for the assembly process increased or decreases, so will the number or amount of material delivered by the supplier (Col. 8, lines 10-43).

8. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose in view of U.S. Pat. No. 6,813,540 to Scotti, as applied to claim 25 above, and further in view of U.S. Pat. No. 5,963,920 to Rose in view of U.S. Pat. No. 6,813,540 to Scotti.

Referring to claim 26, Rose teaches all the limitations set forth above, however, Rose fails to teach a first copy to a purchaser and a notification is a reminder to the supplier with a second copy to the purchaser.

However, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to have a purchaser get copies so the purchaser would not have to remember how many items to purchase.

However, Scotti teaches analogous art, wherein the notification is a reminder to the supplier (Col. 7, lines 29-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Rose with the teachings of Scotti. One of ordinary skill in the art would have been motivated to combine these references because Scotti teaches a system and method that provides for managing material into an assembly area based on actual demand of the material, such that as the need for specific parts or materials for the assembly process increased or decreases, so will the number or amount of material delivered by the supplier (Col. 8, lines 10-43).

Response to Arguments

9. Applicant's arguments filed September 26th 2005 have been fully considered but they are not persuasive.

Applicant argues that Rose does not teach automatically generating and sending an electronic order to a supplier. The examiner respectfully disagrees. Although Rose does not say the words "automatically generating and sending an electronic order to a supplier", Rose teaches maintaining low adequate levels of inventory without personnel of the customer or supplier being required to check the stock levels at the site of the customers plant (Col. 39-50) so ordering can be done only when a part is in short supply (Col. 1, lines 25-32), by generating information and transmitting information to a supplier that indicates rows that are red identifying that rows are empty or nearly empty and a situation of short supply, information that indicates the number of boxes needed to be shipped to replenish the rows, information that indicates which parts are used most quickly and need to be supplied at frequent intervals (Col. 6, lines 14-42). The

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examiner respectfully submits that maintaining low adequate levels of inventory without personnel of the customer or supplier being required to check the stock levels at the site of the customers plant so ordering can be done only when a part is in short supply, by generating information and transmitting information to a supplier that indicates rows that are red identifying that rows are empty or nearly empty and a situation of short supply, information that indicates the number of boxes needed to be shipped to replenish the rows, information that indicates which parts are used most quickly and need to be supplied at frequent intervals is automatically generating and sending an electronic order to a supplier.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sending a copy of an order to any one of the three listed people) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Guerindon fails to teach sending a copy of an order, specifically, sending a copy of an order to something that could be described as that of a purchaser, a manufacturing supervisor, and a warehouse person. The examiner respectfully disagrees. Guerindon clearly teaches that more than one supply means receive an order such as, for example, other companies or suppliers, or another plant within the same company, wherein the supply means supplies "purchased materials". The examiner respectfully submits that in order for the "purchased materials" to have been purchased, they must have been purchased by something or someone that knew what "purchased materials" to purchase, hence meeting the

claim limitation of a purchaser. Furthermore, the examiner respectfully submits that no claims even require anyone to be purchasing anything or that anything be purchased at all. The examiner respectfully submits that no claims even require manufacturing anything at all, much less any person required to be there to manufacture anything, much less any other person required to be there to supervise any person manufacturing. The examiner respectfully submits that no claims even require warehousing or storing anything at all, much less any person required to be there to warehouse or store anything.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

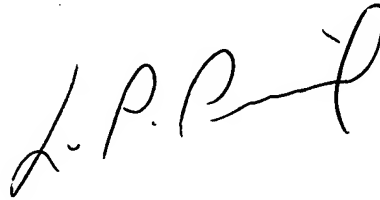
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SPS

Sean P. Shechtman

October 14, 2005

A handwritten signature in black ink, appearing to read 'L. P. Picard', with a stylized flourish at the end.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**